

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

SONNY LAUREN HARMON, SR.,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-09-1132-C
)	
RICHARD R. SITZMAN, Assistant)	
District Attorney; TIM D. KUYKENDALL,)	
District Attorney; LARRY S. BALCERAK,)	
Assistant District Attorney; WILLIAM N.)	
PETERSON, District Attorney; THOMAS)	
PURCELL, Chief Counsel OIDS; TASHA)	
A. STEWARD, OIDS Attorney; and)	
JAMES D. BEDNAR, Executive Director)	
OIDS,)	
)	
Defendants.)	

ORDER

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Valerie K. Couch, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Couch entered a Report and Recommendation on June 23, 2010, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

Plaintiff agrees to the dismissal of certain defendants but asks that the dismissal be without prejudice; but as to the remaining defendants, he raises nothing which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth in the objection which would require a different result.

Accordingly, the Report and Recommendation is adopted, in its entirety, and the Motion to Dismiss of Defendants Sitzman, Kuykendall and Balcerak (Dkt. No. 18) is GRANTED; and the Motion to Dismiss of Defendant Peterson (Dkt. No. 43) is GRANTED; and Plaintiff's claims against Defendants Sitzman, Kuykendall, Balcerak, and Peterson are DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. As no amendment could cure the deficiencies, these dismissals are with prejudice.

It is further ordered that Plaintiff's Motion to Supplement His Appendix (Dkt. No. 6) is GRANTED; Defendant Purcell's Motion to Quash Service (Dkt. No. 28) is DENIED AS MOOT; Plaintiff's Motion for Default Judgment against Defendant Peterson (Dkt. No. 36) is DENIED; Plaintiff's Motion for Appointment of Counsel (Dkt. No. 38) is DENIED; Plaintiff's Motion for Service on Defendants Steward and Bednar (Dkt. No. 48) is DENIED AS MOOT; and Plaintiff's Motion to Strike Defendant Peterson's Motion to Dismiss (Dkt. No. 53) is DENIED. A judgment shall enter accordingly.

IT IS SO ORDERED this 30th day of July, 2010.


ROBIN J. CAUTHRON
United States District Judge